

Application No. 10/717,323  
In Response to Office Action Mailed on June 1, 2006  
Response Dated: July 26, 2006

## **REMARKS**

### **DETAILED DESCRIPTION OF THE INVENTION**

Applicant respectfully submits that the amendment made to the Detailed Description of the Invention does not add any new matter since the amendment was made to correct a typographical error.

### **CLAIM REJECTIONS – 35 USC 112**

Applicant has amended Claims 1, 19, and 42 to address the objections made by the Examiner.

### **CLAIM REJECTIONS – 35 USC 103**

The Examiner has rejected Claims 1-4, 14, 19-21, 23-24, and 42 under 35 U.S.C. 103(a) as being unpatentable over Lee [Publication No. US 2004 / 0239388] in view of Oppedahl [US Patent No. 5,500,861].

The Examiner refers to [Figure 5; 20] in an attempt to teach the first clause of Claim 1. Element 20 of Figure 5 teaches a clock buffer while Claim 1 recites "receiving said clock signal by a first delay line, said clock signal having a frequency equivalent to one-half a frequency of said data stream". The Applicant fails to understand how a "clock buffer" referenced by the Examiner teaches a first delay line, as recited in the first clause of Claim 1. Applicant respectfully submits that nowhere is there any teaching of what is recited in the first clause of Claim 1. Furthermore, nowhere does Lee disclose a clock signal having a frequency equivalent to *one-half* the frequency of said data stream (emphasis added in italics). For at least each of these reasons,

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Applicant respectfully submits that the rejection to Claim 1 should be withdrawn and the claim should be allowed.

The Examiner refers to [Figure 5; 21] in an attempt to teach the second clause of Claim 1; however Element 21 of Figure 1 teaches a clock divider while Claim 1 recites "receiving the clock signal by a second delay line". The Applicant fails to see how a "clock divider" as referenced by the Examiner teaches a second delay line, as recited in the second clause of Claim 1. Applicant respectfully submits that nowhere is there any teaching of what is recited in the second clause of Claim 1.

The Examiner refers to [Figure 5; 28] in an attempt to teach the third clause of Claim 1; however, the Examiner has failed to address all the elements of the third clause of Claim 1. The third clause recites "generating a first delayed clock signal from said first delay line using a first control signal, said first control signal effecting a first delay such that said first delayed clock signal is characterized by a level transition aligned approximately at a midpoint of a valid data period of said data stream". Nowhere does Lee mention anything about a first delayed clock signal that is characterized by a level transition aligned approximately at a *midpoint* of a valid data period of a data stream (emphasis denoted in italics). The Examiner is silent regarding addressing these elements of the third clause. For this reason alone, Claim 1 should be allowed.

In his Office Action, the Examiner has been silent with respect to the eighth and ninth clauses of Claim 1. The eighth and ninth clauses recite "clocking said output using a second digital logic device to generate an indicator, said clocking performed by said first delayed clock signal; and

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evaluating said indicator". The Applicant respectfully submits that Lee does not disclose or mention what is recited in each of these two clauses of Claim 1. Therefore, for each of these reasons alone, the Applicant feels that Claim 1 should be allowed.

The Applicant requests that Claim 1 be allowed for at least each of the foregoing reasons. Furthermore, the Applicant requests that Claims 2-18, that depend from Claim 1, be allowed. Because of the foregoing arguments made with respect to independent Claim 1, the Applicant has not commented on all the remarks made by the Examiner regarding dependent Claims 2-18, but reserves the right to do so in the future should the need arise.

The Examiner has stated that Claims 19-21 and 23-24 are "directed to a system to implement the method of steps as set forth in Claims 1-4 and 14" and he further states that "it [sic] is rejected for the same basis as set forth hereinabove". In response, the Applicant directs the Examiner to the arguments presented with respect to Claim 1. Applicant respectfully submits that independent Claim 19 is allowable for the reasons and arguments presented in relation to Claim 1. Therefore, the Applicant requests allowance of Claim 19. Furthermore, the Applicant requests that Claims 20-41, that depend from Claim 19, be allowed.

The Examiner has stated that Claim 42 is "directed to a system to implement the method of steps as set forth in Claims 1-4, 14" and he further states that "it is rejected for the same basis as set forth hereinabove". In response, the Applicant directs the Examiner to the arguments previously presented with respect to Claim 1. Applicant respectfully submits that independent Claim 42 is

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allowable for the reasons and arguments presented in relation to Claim 1. Therefore, the Applicant requests allowance of Claim 42.

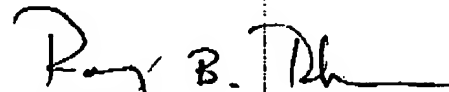
### CONCLUSION

Based on at least the foregoing, the Applicant believes that Claims 1-41 are in condition for allowance. A Notice of Allowance is courteously solicited. Should anything remain in order to place the present application in condition for allowance, or should the Examiner disagree or have any question regarding this submission, the Examiner is kindly invited to contact the undersigned at (312) 775-8246.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: July 26, 2006

Respectfully submitted,



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